

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Disabled Veterans Business Enterprise Program

**Policy  
Number**

B-39a

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**Purpose**

To establish a Board Policy to facilitate Disabled Veterans Business Enterprises' (DVBE) ability to procure County contracts.

**Background**

Disabled veterans have made the ultimate contribution to their country. Their dedication and sacrifice has not gone unrecognized. Currently, both at the State and local level, this recognition and gratitude has been in the form of providing opportunities in the procurement of State and local contracts.

In keeping with that spirit, it is the intent of the County of San Diego to facilitate and encourage the participation of the disabled veteran businessperson. It is not the intent of the Board of Supervisors to enact this policy based on race or gender, nor is this policy intended to remedy the effects of any past discrimination against the disabled veteran businessperson. The Board desires to reaffirm the County's commitment to take affirmative action to provide economic opportunities to DVBE's in County procurements.

**Policy**

It is the policy of the Board of Supervisors to encourage the utilization and participation of DVBE in all County procurements and to align the County's participation and preference policies with the State DVBE statutes and policy to the greatest extent possible, consistent with applicable law. To this end, this policy establishes a 3% DBVE subcontracting participation goal for all contracts within the scope of this policy, as defined in Section I, "Scope," below, including both public works and other services contracts, where subcontracting is intended.

I. Scope.

This policy shall apply to all agreements, contracts and purchase orders for services, including professional services awarded pursuant to Board of Supervisors' Policy F-40, all public works contracts, and all procurements of equipment or materials, where such agreements or contracts are paid for in whole or in part out of County funds or from Special District funds where the Board of Supervisors is the governing body of such Special District, with the following exceptions:

1. Contracts exempt from County competitive procurement requirements, or eligible for a sole source or other exception from County competitive

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procurement requirements, as described in Board of Supervisor's Policy A-87;

2. Agreements or memorandums of understanding with another government agency;
3. Contracts with a private nonprofit organization;
4. Transfers or leases of any interest in real property;
5. Contracts with an entity identified as a small business concern pursuant to Board Policy B-53.
6. Contracts that have a total value of \$500,000 or less; or
7. Contracts where the prime contractor on the contract is a DVBE.

**II. General Requirements.**

Subject to any contrary provision of State or federal law, where a prime contractor intends to use subcontractors on any contract within the scope of this policy as described in Section I, "Scope," above, the County of San Diego's meet or exceed goal of 3 percent (3%) DVBE subcontractor participation for all DVBE subcontracts shall be calculated by taking the aggregate value of all DVBE subcontracts to be used on the project as a percentage of the total value of each such County contract. Contractors responding to solicitations for contracts within the scope of this policy shall document a good-faith effort to have complied with this goal, as described in Section III, "Method of Implementation," below. Where selected contractors for such major procurements or public works contracts intend to use subcontractors, they shall submit for County's review and approval a DVBE subcontractor utilization plan prior to commencing work. Failure to provide evidence upon request of a good-faith effort to comply with the 3% participation goal may be grounds for disqualification from contract award. Notwithstanding any provision of this policy to the contrary, the Director of Purchasing and Contracting shall have the discretion to waive this 3% participation requirement for any prime contract at any time in the exercise of the Director's best judgment.

**III. Method of Implementation.**

A. The Department of Purchasing and Contracting, in cooperation with the Veterans Service Office, shall formulate and issue DVBE participation guidelines ("DVBE Guidelines") to all County departments, specifying the procedures and processes

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to be followed to comply with the DVBE participation goal, or to document a good-faith effort to have complied with the goal. The DVBE Guidelines shall generally be based upon the Disabled Veteran business enterprise participation goal program for state contracts established by current California statutes and regulations.

B. Notwithstanding any provision of this policy to the contrary, to the extent of any conflict between this policy or the DVBE Guidelines, and any requirements imposed by the federal or State government relating to participation in a contract or subcontract by a DVBE as a condition of receipt of federal or State funds, the federal or State requirement shall prevail.

C. County Departments shall submit a completed Contract Award Documentation (CAD) form to the awarding authority when recommending for award any County contract subject to the 3% DVBE subcontractor participation goal described in Section IIA, "Three Percent (3%) DVBE Subcontractor Participation Goal," above.

D. After a review of the facts resulting in a recommendation to reject an apparent low responsive bidder for inadequate efforts to meet the good faith effort criteria for DVBE subcontractor participation outlined above, the Purchasing Agent or designated representative shall make a written determination of non-responsiveness and the bid shall be rejected. Any protests of this decision shall only be accepted from the bidder itself, in its name, and shall be processed in accordance with procedures set forth in the Board of Supervisors Policy A-97, Protest Procedures for Award of Contracts. The remainder of the bids may be evaluated sequentially in the same manner to determine if either the goal or good faith effort has been met or the cost of the bid is acceptable.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-08.

**Board Action**

5/14/96 (12)

9/30/97 (16)

3/12/2002 (10)

01/28/03 (16)

**CAO Reference**

1. Department of Purchasing and Contracting
2. Department of Public Works
3. Department of Park and Recreation
4. Department of General Services